

Plaintiff and Counterclaim Defendant,

-against-

MARVEL ENTERPRISES, INC. and MARVEL CHARACTERS, INC.,

Defendants and Counterclaimants.



Index No. 02 Civ. 8945 (RWS) (ECF Case)

NOTICE OF APPEAL IN A CIVIL CASE

NOTICE IS HEREBY GIVEN that Stan Lee Media, Inc. being the real party in interest in the above-referenced action for breach of a conditional copyright assignment does hereby appeal to the United States Court of Appeals for the Second Circuit from the decision of the United States District Court for the Southern District of New York dated February 4, 2011 (Sweet, J.) (a true and correct copy of which is annexed), and from each and every part thereof, declining to unseal documents and to vacate as void a prior final judgment of the United States District Court for the Southern District of New York (Sweet, J.) entered in this action on the 25th of January, 2005 (a true and correct copy of which is annexed) together with the Stipulation and Order of Dismissal entered on April 28, 2005, filed under seal, and not publicly accessible (see Docket Entry 30, indicating Stipulation entered on April 28, 2005 but not available) and from each and every part thereof.

Dunnington, Bartholow & Miller LLP

Raymond J. Dowd (RD 7508)

Luke McGrath (LM 8070) 1359 Broadway, 6th Floor New York, NY 10018 (212) 682-8811

rdowd@dunnington.com

Attorneys for Appellant

Dated: March 1, 2011 New York, NY

To:

David Fleischer Haynes and Boone, LLP 30 Rockefeller Center, 26th Floor New York, NY 10112 (212) 659.7300

Steven J. Shore Ganfer & Shore, LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 (212) 922-9250

Attorneys for Respondent